EXAMINER'S AMENDMENT

1. This action is responsive to the Amendment filed May 1, 2008 and the interview of August 1, 2008. Claims 1-3, 5-7, 9-10, 12-17, 27-29, 31-33, 35, and 37-38 are now allowed, subject to the examiner's amendment set forth below.

2. In accordance with 37 C.F.R. 1.126, allowed claims 5-7, 9-10, 12-17, 27-29, 31-33, 35, and 37-38 will be renumbered as claims 4-23, respectively. Original claim numbering is employed in the instant amendment.

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tanya Arenson on August 1, 2008.

4. **Amend the claims as follows**:

a) Cancel claim 30.

b) Amend claims 1, 3, 5-7, 9-10, 12, 15-16, 27-29, 32-33, and 35 as follows:

1. A method for ~~facilitating the detection of~~ detecting species-specific nucleic acid, comprising:

a) providing

i) a nucleic acid sample from a culture of cells of a first species, wherein said culture has had previous exposure to a second culture of cells from a second species or a cell product derived from said ~~second~~ cells from a second species;

ii) first nucleic acid probes specific for nucleic acid ~~derived~~ from said second species; and

(iii) second nucleic acid probes specific for said first species;

b) exposing said sample to said first nucleic acid probes under conditions such that said first nucleic acid probes hybridize to ~~said~~ nucleic acid from said second species and do not hybridize to nucleic acid from said first ~~cell sample~~ species to detect nucleic acid from said second species; and

c) exposing said sample to said second nucleic acid probes, wherein said second nucleic acid probes are selected from the group consisting of SEQ ID NO:3 and SEQ ID NO:4, under conditions such that said second nucleic acid probes hybridize to ~~said~~ nucleic acid from said first species and do not hybridize to nucleic acid from said second species to detect nucleic acid from said first species.

3. The method of claim 2, wherein at least 20 copies of said repetitive element ~~is~~ are present in the genome of said second species ~~in at least 20 copies~~.

5. The method of claim 1, wherein said ~~second culture of cells is~~ cells from a second species are selected from the group consisting of [[a]] rat cells, [[a]] mouse cells, and [[a]] porcine cells.

6. The method of claim 1, wherein said exposing of b) and/or c) comprises PCR.

7. The method of claim 6, wherein said first nucleic acid probes and/or said second nucleic acid probes are PCR primers.

9. The method of claim 1, wherein said first nucleic acid probes and said second nucleic acid probes are PCR primers, and wherein said exposing of b) and c) comprises PCR, and wherein said PCR is a multiplex PCR reaction.

10. The method of claim 1, wherein said first nucleic acid probes are selected from the group consisting of SEQ ID NOs: 1, 2, and 5-26.

12. The method of claim 1, wherein said culture of cells ~~from~~ of a first species is a cultured human skin tissue.

15. The method of claim 1, wherein said culture of cells ~~from~~ of a first species comprises stem cells.

16. The method of claim 1, wherein said ~~second culture of cells comprises~~ cells from a second species comprise feeder cells.

27. A method for ~~facilitating the detection of~~ detecting species-specific nucleic acid, comprising:

a) providing

i) a nucleic acid sample from a culture of cells from a first species, wherein said culture has had previous exposure to a feeder layer from a second species;

ii) first nucleic acid probes specific for nucleic acid derived from said feeder layer from said second species, wherein said first nucleic acid probes are selected from the group consisting of SEQ ID NOs: 1, 2, and 5-26; and

iii) second nucleic acid probes specific for said first species selected from the group consisting of SEQ ID NO:3 and SEQ ID NO:4;

b) exposing said sample to said first nucleic acid probes under conditions such that said first nucleic acid probes hybridize to ~~said~~ nucleic acid derived from said feeder

layer and do not hybridize to nucleic acid ~~derived~~ from said ~~sample~~ first species to detect nucleic acid from said second species; and

c) exposing said sample to said second nucleic acid probes under conditions such that said second nucleic acid probes hybridize to ~~said~~ nucleic acid ~~derived~~ from said first species and do not hybridize to nucleic acid from said second species to detect nucleic acid from said first species.

28. The method of claim 27, wherein said first nucleic acid probes are specific for a repetitive element of nucleic acid in the genome of said second species.

29. The method of claim 28, wherein at least 20 copies of said repetitive element ~~is~~ are present in the genome of said second species ~~in at least 20 copies~~.

32. The method of claim 27, wherein said exposing of b) and/or c) comprises PCR.

33. The method of claim 32, wherein said first nucleic acid probes and/or said second nucleic acid probes are PCR primers.

35. The method of claim 27, wherein said first nucleic acid probes and said second nucleic acid probes are PCR primers, and wherein said exposing of b) and c) comprises PCR, and wherein said PCR is a multiplex PCR reaction.

Substance of the interview of August 1, 2008

5. On July 29, 2008, the examiner contacted applicant's representative John Mitchell Jones regarding proposed amendments that would place the application in condition for allowance (which proposal was subsequently faxed to applicant's representative on the same date). As Mr. Jones was not available, the examiner discussed the amendment with applicant's representative Tanya Arenson on August 1, 2008, noting that the amendments were intended merely to clarify the claims and resolve remaining issues related to 35 USC 112, second paragraph. With particular regard to claim 30, the examiner indicated that she had proposed canceling the claim because claim 27 (from which claim 30 depends) does not refer to a second culture of cells, and noted that this embodiment appeared to be encompassed by claim 5 (dependent from claim 1); it was also noted that claim 27 encompasses any "feeder layer from a second species". Applicant's representative indicated that she had reviewed the proposed amendments and authorized the examiner's amendment. Accordingly, claims 1-3, 5-7, 9-10, 12-17, 27-29, 31-33, 35, and 37-38 are now allowed.

Conclusion

6. Upon further consideration, because applicant's originally filed specification included a proper priority claim to provisional application 60/400,726, and because the oath/declaration is not required to include such a priority claim, the oath/declaration filed April 13, 2004 is acceptable, and the prior objection to that oath/declaration is **withdrawn.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 571/272-0744. The examiner can normally be reached on Monday through Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached at 571/272-0735. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Diana B. Johannsen/
Primary Examiner, Art Unit 1634